

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

JOCELYN LUNNEY and DONALD R.
LUNNEY, her husband,
Plaintiffs,

vs.

HARTFORD FIRE INSURANCE
COMPANY, INC., HARTFORD FIRE
INSURANCE COMPANY, INC. a/k/a
THE HARTFORD, THE HARTFORD
INSURANCE GROUP, THE
HARTFORD GROUP OF AFFILIATED
INSURANCE COMPANIES a/k/a d/b/a
THE HARTFORD,

Defendants.

No. 3:18-cv-837

NOTICE OF REMOVAL

Defendant, Hartford Fire Insurance Company (incorrectly identified as Hartford Fire Insurance Company, Inc.), through its counsel of record, within the time prescribed by law, hereby removes this action to the United States District Court for the Middle District of Pennsylvania, and respectfully avers as follows:

1. On November 17, 2017, Plaintiffs filed a summons against Defendants and served on Defendants by certified mail on December 26, 2017.
2. On March 27, 2018, Plaintiffs filed a Complaint against Defendants, Case No. 2017-13123, in the Court of Common Pleas, Luzerne County, Pennsylvania alleging Plaintiff Jocelyn Lunney is owed underinsured motorists

benefits based upon a motor vehicle accident that occurred in Luzerne County, Pennsylvania. *[See Plaintiffs' Complaint attached hereto, made a part hereof and marked as Exhibit "A"].*

3. The Complaint was served upon Defendants on March 30, 2018.

4. Plaintiffs are citizens and residents of the Commonwealth of Pennsylvania.

5. Defendant Hartford Fire Insurance Company is a corporation domiciled in the State of Connecticut with a home address of One Hartford Plaza, Hartford, Connecticut 06115. Defendant Hartford Fire Insurance Company is not a citizen of the Commonwealth of Pennsylvania at the time of or immediately prior to the filing and service of this lawsuit, or any time thereafter.

6. As Plaintiff contends in their Complaint, the properly names underwriting company in this mater is Defendant Hartford Fire Insurance Company, Inc. *[See Exhibit "A" at ¶ 5].*

7. Therefore, complete diversity exits between the Plaintiffs and Defendant Hartford Fire Insurance Company.

8. The amount in controversy in this action exceeds \$75,000. Plaintiffs allege that:

Plaintiff Jocelyn Lunney sustained serious permanent personal injuries, losses and disabilities including but not limited to:

- Left C6-7 disc herniation with radiculopathy, requiring an anterior cervical decompression and fusion at C5 through C7;
- Aggravation of C5-6 degenerative disc disease;
- Lumbar spine injury with L4-5 dis herniation;
- Concussion;
- Severe migraines/headaches;
- Cervical discogenic pain;
- Lumbar discogenic pain;
- Loss of strength and range of motion;
- Severe cervical, thoracic and lumbar spine pain;
- Pain radiating into upper extremities;
- Pain radiating into lower extremities;
- Nerve pain;
- Loss of sensation in upper and lower extremities;
- Difficulty sleeping;
- Nerve damages;
- Muscle spasms;
- Diffuse and traumatic injuries to the muscles, nerves, and joints of her entire body...

[See Exhibit "A" at ¶ 19].

9. Plaintiffs contend that the alleged injuries and medical conditions will continue for an indefinite time into the future, Plaintiffs are forced to expend various and substantial sums of money for medicine and medical attention for an indefinite time and Plaintiff is unable to continue to go about her daily occupations. *[See Exhibit "A" at ¶¶ 20-24].*

10. The Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332. Defendant Hartford Fire Insurance Company may remove this action to this Court pursuant to 28 U.S.C. §§ 1441(a) and 1446 because it is a civil

action between citizens of different states and the matter in controversy exceeds the sum of \$75,000.

11. Pursuant to 28 U.S.C. § 1446, the Complaint attached as Exhibit "A" is the only pleading or Order served on Defendants by Plaintiffs in this action to date setting forth the claim for relief upon which such action or proceeding is based.

12. A true and correct copy of this Notice of Removal will be filed with the Clerk of the Court as required by 28 U.S.C. § 1446.

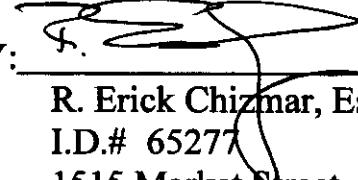
13. Concurrent with the filing of this Notice of Removal, Defendant Hartford Fire Insurance Company has served Plaintiffs with a copy of Defendant's Notice of Removal, which will be filed in the Court of Common Pleas, Luzerne County, Pennsylvania. *[See Notice of Removal attached hereto, made a part hereof and marked as Exhibit "B"].*

14. By filing this Notice of Removal, Defendant Hartford Fire Insurance Company does not waive its right to assert any defenses to which it is entitled.

WHEREFORE, Defendant Hartford Fire Insurance Company prays that the action bearing Case No. 2017-13123, in the Court of Common Pleas, Luzerne County, Pennsylvania be removed to and proceed in this Court; and that no further

proceeding be had in this case in the Court of Common Pleas, Luzerne County,
Pennsylvania.

LAW OFFICES OF JEFFREY H. EISEMAN

BY: 

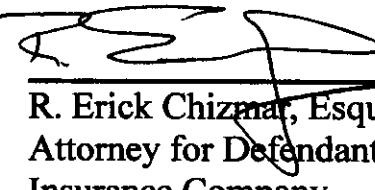
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(215) 446-7683
Attorney for Defendant,
Hartford Fire Insurance Company

CERTIFICATE OF SERVICE

I, R. Erick Chizmar, Esquire, hereby certify that a true and correct copy of the Notice of Removal was made on this 17th day of April, 2018 via the Court's Electronic Filing System and/or First Class Mail, postage Prepaid upon the following:

**Kelly J. Lenahan, Esquire
LENAHAN & DEMPSEY, P.C.
116 N. Washington Avenue
Suite 400
Scranton, PA 18501**

LAW OFFICES OF JEFFREY H. EISEMAN

BY: 

R. Erick Chizmar, Esquire
Attorney for Defendant, Hartford Fire
Insurance Company